

IN THE UNITED STATES DISTRICT COURT
IN THE DISTRICT OF MINNESOTA

MAYO CLINIC,

Case No.

Plaintiff,

v.

Removed from Case No. _____
District Court, Third Judicial District,
Olmsted County, Minnesota

CHANTELLE ZACK

Defendant.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant CHANTELLE ZACK ("Defendant"), by and through her attorney(s) of record, Brandon D. Wright, Esq. of LEWIS BRISBOIS BISGAARD & SMITH LLP, hereby removes the above-captioned matter to the United States District Court for the District of Minnesota. As its grounds for removal, Defendant states as follows:

I. THIS COURT HAS REMOVAL JURISDICTION.

1. This litigation involves a Complaint by Plaintiff Mayo Clinic against Defendant Chantelle Zack. See, Exhibit A.

2. The Complaint is captioned in the District Court, Third Judicial District, Olmsted County, Minnesota. Id.

3. A defendant sued in state court may remove a "civil action ... of which the district courts of the United States have original jurisdiction ... to the district court of the United States for the district and division embracing the place where such action is pending." 28 U.S.C. § 1441(a).

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4. This Honorable Court has “original jurisdiction” matters involving citizens of different States and the matter in controversy exceeds the sum or value of \$75,000. 28 U.S.C. § 1332.

5. Plaintiff’s Complaint alleges that Plaintiff is a resident of Minnesota. Plaintiff’s Complaint alleges Defendant is a citizen of Iowa. Ex. A, ¶¶ 1-2. Plaintiff and Defendant are citizens of different States. 28 U.S.C. § 1332.

6. Further, upon information and belief, while the Complaint indicates that the “principal amount in excess of fifty thousand dollars (\$50,000),” Defendant anticipates Plaintiff will seek to recover more in the costs and attorney’s fees requested as belief that would make such claim in excess of \$75,000. Defendant has attached as Exhibit B the redacted billing detail from Plaintiff. As Exhibit B shows, Plaintiff billed Defendant in excess of \$153,000.00 for services provided. Payments were made in the excess of \$77,000.00 with a total alleged remaining balance of over \$75,000.00. Exhibit B, pp. 10-11 (see amounts sent to agency).

7. Because Plaintiff’s claims against Defendant arise between citizens of different States and the amount in controversy exceeds \$75,000.00, jurisdiction is proper in this Court. 28 U.S.C. § 1332.

8. Because Olmsted County, Minnesota, is within this Honorable Court’s judicial district, this Honorable Court “embrac[es] the place where [this] action is pending” and has removal jurisdiction under 28 U.S.C. § 1441(a).

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II. THIS NOTICE OF REMOVAL IS TIMELY.

10. A defendant must remove litigation to federal court within 30 days from the date of service. See 28 U.S.C. § 1446(b); Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc., 526 U.S. 344, 347-48 (1999).

11. Plaintiff's Complaint was served upon Defendant on August 18, 2017. Exhibit. C.

12. Because Defendant is filing this Notice of Removal within 30 days from the date of service - *i.e.*, by September 7, 2017, which is 20 days from August 18, 2017 - the Notice of Removal is timely.

III. THIS NOTICE OF REMOVAL IS PROPER.

13. In accordance with 28 U.S.C. § 1446 (b), attached hereto as Exhibit A are copies of "all process, pleadings, and orders served upon" the Defendant(s) in this litigation.

14. Pursuant to 28 U.S.C. § 1446(d), the undersigned certifies that simultaneously with the filing of this Notice of Removal in this Court, a Notice Re: Notice of Removal (attached hereto as Exhibit D) is being filed in the District Court, Third Judicial District, Olmsted County, Minnesota, and is being served on all parties.

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WHEREFORE, Defendant gives notice that the above-captioned litigation has been removed from the District Court, Third Judicial District, Olmsted County, Minnesota, to the United States District Court for the District of Minnesota.

DATED this 7 day of September, 2017

Respectfully Submitted,

LEWIS BRISBOIS BISGAARD & SMITH LLP

By:

BRANDON D. WRIGHT
Minnesota State Bar No. 0394898
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
Attorney for Defendant
CHANTELLE ZACK

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of September 2017, I did cause a true and correct copy of NOTICE OF REMOVAL to be served via electronic service and 1st class mail to the parties on the Electronic Filing System:

D. Scott Erickson
Kellie L. J. Anderson
Gregory E. Hanson
920 2nd Ave. South, Suite 800
Minneapolis, MN 55402
PH 612-333-7600
FX 612-333-7611
Attorneys for Plaintiff

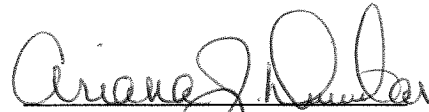

Ariana J. Dunbar

EXHIBIT A

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF OLMSTED

THIRD JUDICIAL DISTRICT

Mayo Clinic,

Plaintiff,

v.

Chantelle Zack,

Defendant.

Court File No.:
Case Type: Contract
Judge:

COMPLAINT

The Plaintiff, for its claim against the above-named defendant, complains and alleges as follows:

1. Plaintiff is a Minnesota non-profit corporation with a principal place of business located at 200 1st Street S.W., Rochester, MN 55905.
2. Defendant is a citizen of Iowa residing at 602 East Jefferson Street, New Hampton, IA 50659.
3. Plaintiff provided valuable health care goods and services to Defendant, in Minnesota, through July 01, 2016, for which Defendant received on an open account to pay Plaintiff, but has not paid.
4. To date, Defendant owes Plaintiff a principal amount in excess of fifty thousand dollars (\$50,000.00) for the goods and services provided to Defendant by Plaintiff.
5. Defendant's refusal to pay has forced Plaintiff to retain the services of D.S. Erickson & Associates, PLLC and Plaintiff will incur attorney fees and expenses to recover the amount due and owing.

**CLAIM I
BREACH OF CONTRACT**

6. Plaintiff incorporates each and every allegation contained in Paragraphs 1-5, inclusive, with the same force and effect as if fully set forth herein.

7. Plaintiff provided valuable health care goods and services to Defendant and billed Defendant accordingly.

8. Defendant has breached the contract between Plaintiff and Defendant, the exchange of payment for goods and services through an open account, by failing to pay Plaintiff for the goods and services provided.

9. As a result of Defendant's breach, Plaintiff has and will incur damages in an amount in excess of fifty thousand dollars (\$50,000.00).

**CLAIM II
UNJUST ENRICHMENT**

10. Plaintiff incorporates each and every allegation contained in Paragraphs 1-9, inclusive, with the same force and effect as if fully set forth herein.

11. Plaintiff incurred time and resource expenses in rendering health care goods and services to Defendant.

12. Defendant knowingly accepted the goods and services and received value and benefit from the same.

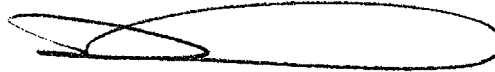
13. Defendant's retention of the value and benefit received from Plaintiff's goods and services without paying Plaintiff will result in Defendant's unjust enrichment.

14. Plaintiff is entitled to payment of the value of the benefit received by Defendant in an amount in excess of fifty thousand dollars (\$50,000.00).

WHEREFORE, Plaintiff demands judgment against Defendant in an amount in excess of fifty thousand dollars (\$50,000.00), together with its costs and disbursements herein and such other relief as the court deems appropriate.

Dated: July 27, 2017

D.S. Erickson & Associates, PLLC



D. Scott Erickson (#0282212)
Timothy J. Henkel (#0389403)
Gregory E. Hanson (#0395404)
Attorneys for Plaintiff
920 Second Avenue South, Suite 800
Minneapolis, MN 55402
(612) 333-7600

ACKNOWLEDGMENT

The undersigned hereby acknowledges that costs, disbursements, and reasonable attorney and witness fees may be awarded pursuant to Minn. Stat. 549.211 subdivision 2, to the party against whom the allegations in this pleading are asserted.

Dated: July 27, 2017

D.S. Erickson & Associates, PLLC



D. Scott Erickson (#0282212)
Timothy J. Henkel (#0389403)
Gregory E. Hanson (#0395404)
Attorneys for Plaintiff
920 Second Avenue South, Suite 800
Minneapolis, MN 55402
(612) 333-7600

EXHIBIT B



MAYO CLINIC

4500 San Pablo Road
Jacksonville, FL 32224-1865

Date	Account #	Amount Due
August 28, 2017	[REDACTED]	\$0.00

If you are unable to pay in full, please
call Patient Account Services:
Local: 507-266-5670 Toll Free: 1-800-660-4582
www.mayoclinic.org

Addressee

Mrs. Chantelle Zack
1855 Cheyenne Avenue
Ionia, IA 50645-9335



Patient Visit Detail-O-HQ
Report ID: 23145 RCO00045, Patient Visit Detail

Institution: R

Entity: Entity not specified

CPI: [REDACTED]

Run Date: 8/28/2017 8:13:57AM

Visit: 6008, 6011, 6166

Mayo Clinic Confidential

Visit Summary Information

<u>Institution</u>	<u>Entity</u>	<u>CPI</u>	<u>Visit</u>	<u>Name</u>	<u>Visit Balance</u>
R	01	[REDACTED]	6008	ZACK, CHANTELE	0.00

Visit Detail Transactions

Charges

Institution: R

Entity: Entity not specified

CPI: [REDACTED]

Run Date: 8/28/2017 8:13:57AM

Visit: 6008, 6011, 6166

Mayo Clinic Confidential

CDM	Description	Service Date	Post Date	Amount
		01/15/2016	01/15/2016	2,125.00
		01/16/2016	01/16/2016	2,125.00
		01/17/2016	01/17/2016	2,125.00
		01/18/2016	01/18/2016	2,125.00
		01/15/2016	01/16/2016	92.40
		01/15/2016	01/16/2016	10.40
		01/15/2016	01/16/2016	10.80
		01/16/2016	01/17/2016	92.40
		01/16/2016	01/17/2016	10.40
		01/16/2016	01/17/2016	10.80
		01/17/2016	01/18/2016	92.40
		01/17/2016	01/18/2016	10.40
		01/17/2016	01/18/2016	10.80
		01/18/2016	01/19/2016	195.00
		01/18/2016	01/19/2016	10.90
		01/18/2016	01/19/2016	94.90
		01/19/2016	01/20/2016	6.75
		01/19/2016	01/20/2016	5.45
		01/19/2016	01/20/2016	47.45
		01/18/2016	01/19/2016	257.00
		01/15/2016	01/25/2016	28.53
		01/15/2016	01/25/2016	111.02
		01/15/2016	01/25/2016	3,677.62
		01/16/2016	01/25/2016	3,677.62
		01/17/2016	01/25/2016	3,677.62
		01/18/2016	01/25/2016	3,677.62
		01/19/2016	01/25/2016	2,747.09
		01/16/2016	01/17/2016	7.50
		01/18/2016	01/19/2016	4.50
		01/19/2016	01/20/2016	4.50
			Total Charges:	27,071.87

Payments and Adjustments

Institution: R

Entity: Entity not specified

CPI: [REDACTED]

Run Date: 8/28/2017 8:13:57AM

Visit: 6008, 6011, 6166

Mayo Clinic Confidential

<u>CDM</u>	<u>Description</u>	<u>Post Date</u>	<u>Amount</u>
00007580	COLLECTION AGENCY PLACEMENT	5/31/2016	-14,317.39
00000109	INSURANCE PMT	3/2/2016	-12,754.48
00018090	TRANSFER TO AGENCY PLACEMENT	5/31/2016	14,317.39
Total Payment and Adjustment:			-12,754.48

Summary for Visit: 6008

Total UnBilled:	0.00
Total Charges:	27,071.87
Total Patient Payments:	0.00
Total Insurance Payments:	-12,754.48
Total Patient Adjustments:	0.00
Total Insurance Adjustments:	0.00
Total Patient Refunds:	0.00
Total Discounts:	0.00
Total Age Amount:	0.00
Total Account Balance:	0.00

Institution: R

Entity: Entity not specified

CPI: [REDACTED]

Run Date: 8/28/2017 8:13:57AM

Visit: 6008, 6011, 6166

Mayo Clinic Confidential

Visit Summary Information

<u>Institution</u>	<u>Entity</u>	<u>CPI</u>	<u>Visit</u>	<u>Name</u>	<u>Visit Balance</u>
R	03	[REDACTED]	6011	ZACK, CHANTELLE	0.00

Visit Detail Transactions

Charges

<u>CDM</u>	<u>Description</u>	<u>Service Date</u>	<u>Post Date</u>	<u>Amount</u>
[REDACTED]	[REDACTED]	01/08/2016	01/12/2016	28.53
[REDACTED]	[REDACTED]	01/08/2016	01/12/2016	33.08
[REDACTED]	[REDACTED]	01/08/2016	01/12/2016	33.17
[REDACTED]	[REDACTED]	01/08/2016	01/12/2016	60.14
[REDACTED]	[REDACTED]	01/08/2016	01/12/2016	38.82
[REDACTED]	[REDACTED]	01/08/2016	01/12/2016	38.82
[REDACTED]	[REDACTED]	01/08/2016	01/12/2016	96.70
[REDACTED]	[REDACTED]	01/08/2016	01/12/2016	98.96
[REDACTED]	[REDACTED]	01/08/2016	01/12/2016	98.96
[REDACTED]	[REDACTED]	01/08/2016	01/12/2016	4,035.15
[REDACTED]	[REDACTED]	01/08/2016	01/12/2016	365.00
Total Charges:				<u><u>4,927.33</u></u>

Payments and Adjustments

Institution: R

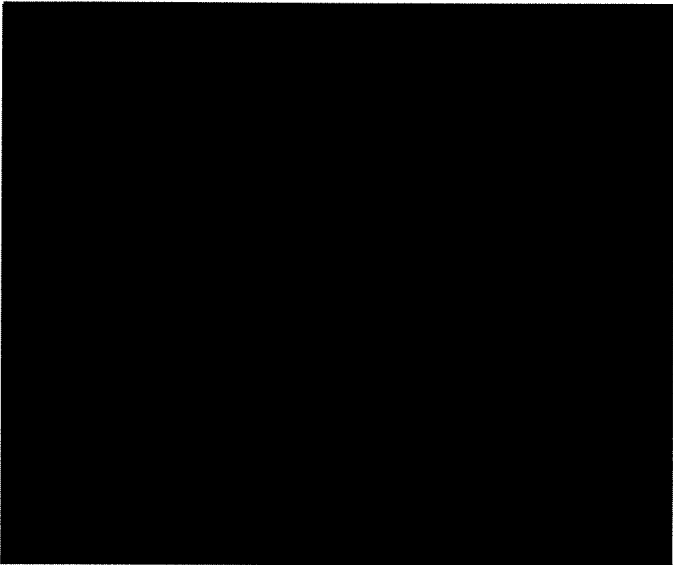
Entity: Entity not specified

CPI: [REDACTED]

Run Date: 8/28/2017 8:13:57AM

Visit: 6008, 6011, 6166

Mayo Clinic Confidential

<u>CDM</u>	<u>Description</u>	<u>Post Date</u>	<u>Amount</u>
		6/28/2016	-100.00
		5/31/2016	-2,046.68
		6/28/2016	100.00
		2/17/2016	-239.89
		2/17/2016	-1,866.71
		2/19/2016	-220.93
		2/19/2016	-306.75
		2/17/2016	-201.76
		2/19/2016	-18.25
		2/19/2016	-11.63
		2/17/2016	-14.73
		5/31/2016	2,046.68
		6/28/2016	-100.00
		Total Payment and Adjustment:	-2,980.65

Summary for Visit: 6011

Total UnBilled:	0.00
Total Charges:	4,927.33
Total Patient Payments:	-100.00
Total Insurance Payments:	-2,634.28
Total Patient Adjustments:	100.00
Total Insurance Adjustments:	-246.37
Total Patient Refunds:	0.00
Total Discounts:	0.00
Total Age Amount:	0.00
Total Account Balance:	0.00

Institution: R

Entity: Entity not specified

CPI: [REDACTED]

Run Date: 8/28/2017 8:13:57AM

Visit: 6008, 6011, 6166

Mayo Clinic Confidential

Visit Summary Information

<u>Institution</u>	<u>Entity</u>	<u>CPI</u>	<u>Visit</u>	<u>Name</u>	<u>Visit Balance</u>
R	01	[REDACTED]	6166	ZACK, CHANTELLE	0.00

Visit Detail Transactions

Charges

<u>CDM</u>	<u>Description</u>	<u>Service Date</u>	<u>Post Date</u>	<u>Amount</u>
[REDACTED]	[REDACTED]	07/01/2016	07/01/2016	5,035.00
[REDACTED]	[REDACTED]	07/02/2016	07/02/2016	5,035.00
[REDACTED]	[REDACTED]	07/03/2016	07/03/2016	5,035.00
[REDACTED]	[REDACTED]	07/04/2016	07/04/2016	5,035.00
[REDACTED]	[REDACTED]	07/05/2016	07/05/2016	5,035.00
[REDACTED]	[REDACTED]	07/06/2016	07/06/2016	5,035.00
[REDACTED]	[REDACTED]	07/07/2016	07/07/2016	5,035.00
[REDACTED]	[REDACTED]	07/08/2016	07/08/2016	5,035.00
[REDACTED]	[REDACTED]	07/09/2016	07/09/2016	2,040.00
[REDACTED]	[REDACTED]	07/10/2016	07/10/2016	2,040.00
[REDACTED]	[REDACTED]	07/01/2016	07/02/2016	94.55
[REDACTED]	[REDACTED]	07/01/2016	07/02/2016	141.35
[REDACTED]	[REDACTED]	07/01/2016	07/02/2016	46.20
[REDACTED]	[REDACTED]	07/01/2016	07/02/2016	5.45
[REDACTED]	[REDACTED]	07/01/2016	07/02/2016	5.15
[REDACTED]	[REDACTED]	07/01/2016	07/02/2016	174.80
[REDACTED]	[REDACTED]	07/01/2016	07/02/2016	1,177.20
[REDACTED]	[REDACTED]	07/01/2016	07/02/2016	92.90
[REDACTED]	[REDACTED]	07/01/2016	07/02/2016	76.65
[REDACTED]	[REDACTED]	07/01/2016	07/19/2016	-139.45
[REDACTED]	[REDACTED]	07/01/2016	07/08/2016	139.45
[REDACTED]	[REDACTED]	07/01/2016	07/08/2016	605.65
[REDACTED]	[REDACTED]	07/01/2016	07/08/2016	119.60
[REDACTED]	[REDACTED]	07/01/2016	07/08/2016	88.45
[REDACTED]	[REDACTED]	07/01/2016	07/08/2016	147.70
[REDACTED]	[REDACTED]	07/01/2016	07/08/2016	89.70
[REDACTED]	[REDACTED]	07/01/2016	07/08/2016	605.65
[REDACTED]	[REDACTED]	07/01/2016	07/08/2016	87.40
[REDACTED]	[REDACTED]	07/01/2016	07/08/2016	64.60

Institution: R

Entity: Entity not specified

CPI [REDACTED]

Run Date: 8/28/2017 8:13:57AM

Visit: 6008, 6011, 6166

Mayo Clinic Confidential

[REDACTED]	07/01/2016	07/08/2016	141.35
	07/01/2016	07/08/2016	94.55
	07/02/2016	07/03/2016	189.10
	07/02/2016	07/03/2016	282.70
	07/02/2016	07/03/2016	92.40
	07/02/2016	07/03/2016	10.90
	07/02/2016	07/03/2016	10.30
	07/02/2016	07/03/2016	87.40
	07/02/2016	07/03/2016	92.90
	07/02/2016	07/03/2016	205.60
	07/02/2016	07/03/2016	1,079.10
	07/02/2016	07/03/2016	127.65
	07/03/2016	07/04/2016	5.15
	07/03/2016	07/04/2016	179.90
	07/03/2016	07/04/2016	98.10
	07/03/2016	07/04/2016	127.65
	07/03/2016	07/04/2016	4.90
	07/03/2016	07/04/2016	5.00
	07/03/2016	07/04/2016	5.90
	07/03/2016	07/04/2016	189.10
	07/03/2016	07/04/2016	282.70
	07/03/2016	07/04/2016	46.20
	07/03/2016	07/04/2016	5.45
	07/04/2016	07/05/2016	282.70
	07/04/2016	07/05/2016	50.50
	07/04/2016	07/05/2016	9.80
	07/04/2016	07/05/2016	10.00
	07/04/2016	07/05/2016	94.55
	07/04/2016	07/05/2016	94.55
	07/05/2016	07/06/2016	25.25
	07/05/2016	07/06/2016	6.75
	07/05/2016	07/06/2016	5.45
	07/05/2016	07/06/2016	47.45
	07/05/2016	07/06/2016	189.10
	07/05/2016	07/06/2016	4.90
	07/05/2016	07/06/2016	5.00
	07/05/2016	07/06/2016	282.70
	07/06/2016	07/07/2016	101.00
	07/06/2016	07/07/2016	282.70
	07/06/2016	07/07/2016	9.80

Institution: R

Entity: Entity not specified

CPI: [REDACTED]

Run Date: 8/28/2017 8:13:57AM

Visit: 6008, 6011, 6166

Mayo Clinic Confidential

07/06/2016	07/07/2016	10.00
07/06/2016	07/07/2016	189.10
07/06/2016	07/07/2016	92.40
07/07/2016	07/08/2016	189.10
07/07/2016	07/08/2016	282.70
07/07/2016	07/08/2016	51.40
07/07/2016	07/08/2016	47.45
07/07/2016	07/08/2016	5.45
07/07/2016	07/08/2016	6.75
07/07/2016	07/08/2016	97.45
07/07/2016	07/08/2016	46.20
07/07/2016	07/08/2016	4.90
07/07/2016	07/08/2016	5.00
07/08/2016	07/09/2016	1,079.10
07/08/2016	07/09/2016	127.65
07/08/2016	07/09/2016	189.10
07/08/2016	07/09/2016	282.70
07/08/2016	07/09/2016	179.00
07/08/2016	07/09/2016	63.75
07/08/2016	07/09/2016	147.70
07/08/2016	07/09/2016	92.40
07/08/2016	07/09/2016	106.10
07/08/2016	07/09/2016	87.40
07/08/2016	07/09/2016	94.90
07/08/2016	07/09/2016	10.90
07/08/2016	07/09/2016	6.75
07/08/2016	07/09/2016	100.40
07/08/2016	07/09/2016	120.15
07/08/2016	07/09/2016	98.10
07/08/2016	07/09/2016	107.85
07/08/2016	07/09/2016	63.75
07/08/2016	07/11/2016	93.45
07/09/2016	07/10/2016	102.80
07/09/2016	07/10/2016	94.90
07/09/2016	07/10/2016	10.90
07/09/2016	07/10/2016	13.50
07/09/2016	07/10/2016	189.10
07/09/2016	07/10/2016	282.70
07/09/2016	07/10/2016	87.40
07/10/2016	07/11/2016	10.90

Institution: R

Entity: Entity not specified

CPI: [REDACTED]

Run Date: 8/28/2017 8:13:57AM

Visit: 6008, 6011, 6166

Mayo Clinic Confidential

[REDACTED]	07/10/2016	07/11/2016	94.90
	07/10/2016	07/11/2016	13.50
	07/10/2016	07/11/2016	282.70
	07/10/2016	07/11/2016	189.10
	07/11/2016	07/12/2016	5.45
	07/01/2016	07/02/2016	126.90
	07/01/2016	07/08/2016	126.95
	07/02/2016	07/03/2016	253.80
	07/03/2016	07/04/2016	253.80
	07/04/2016	07/05/2016	126.90
	07/04/2016	07/05/2016	126.90
	07/04/2016	07/05/2016	126.90
	07/05/2016	07/06/2016	253.80
	07/06/2016	07/07/2016	253.80
	07/06/2016	07/07/2016	126.90
	07/07/2016	07/08/2016	253.80
	07/08/2016	07/09/2016	128.50
	07/08/2016	07/09/2016	253.80
	07/09/2016	07/10/2016	126.90
	07/09/2016	07/10/2016	253.80
	07/10/2016	07/11/2016	253.80
	07/02/2016	07/14/2016	410.03
	07/07/2016	07/14/2016	410.03
	07/07/2016	07/14/2016	410.03
	07/01/2016	07/05/2016	152.82
	07/01/2016	07/05/2016	6,703.20
	07/01/2016	07/05/2016	1,755.00
	07/01/2016	07/05/2016	385.00
	07/01/2016	07/05/2016	317.50
	07/01/2016	07/05/2016	246.75
	07/01/2016	07/05/2016	18.30
	07/01/2016	07/05/2016	1,219.80
	07/01/2016	07/05/2016	67.50
	07/08/2016	07/08/2016	67.50
	07/08/2016	07/08/2016	577.23
	07/08/2016	07/08/2016	246.75
	07/08/2016	07/08/2016	167.50
	07/01/2016	07/05/2016	689.56
	07/01/2016	07/05/2016	210.00
	07/08/2016	07/08/2016	66.62

Institution: R

Entity: Entity not specified

CPI: [REDACTED]

Run Date: 8/28/2017 8:13:57AM

Visit: 6008, 6011, 6166

Mayo Clinic Confidential

[REDACTED]	07/08/2016	07/08/2016	892.50
	07/01/2016	07/14/2016	28.86
	07/01/2016	07/14/2016	37.38
	07/01/2016	07/14/2016	30.05
	07/01/2016	07/14/2016	135.18
	07/02/2016	07/14/2016	28.53
	07/02/2016	07/14/2016	33.17
	07/04/2016	07/14/2016	28.53
	07/04/2016	07/14/2016	88.66
	07/06/2016	07/14/2016	28.53
	07/06/2016	07/14/2016	88.66
	07/08/2016	07/14/2016	28.75
	07/08/2016	07/14/2016	27.38
	07/09/2016	07/14/2016	28.53
	07/09/2016	07/14/2016	45.42
	07/01/2016	07/14/2016	822.22
	07/01/2016	07/05/2016	26,724.40
	07/08/2016	07/08/2016	13,497.22
	07/08/2016	07/14/2016	720.00
	07/01/2016	07/14/2016	1,705.00
	07/08/2016	07/08/2016	1,467.98
	07/01/2016	07/14/2016	1,069.75
	07/01/2016	07/14/2016	3,677.62
	07/01/2016	07/14/2016	4,158.32
	07/02/2016	07/14/2016	3,677.62
	07/03/2016	07/14/2016	3,677.62
	07/04/2016	07/14/2016	3,677.62
	07/05/2016	07/14/2016	3,677.62
	07/06/2016	07/14/2016	3,677.62
	07/07/2016	07/14/2016	3,677.62
	07/07/2016	07/14/2016	758.40
	Total Charges:		153,691.23

Payments and Adjustments

Institution: R

Entity: Entity not specified

CPI: [REDACTED]

Run Date: 8/28/2017 8:13:57AM

Visit: 6008, 6011, 6166

Mayo Clinic Confidential

<u>CDM</u>	<u>Description</u>	<u>Post Date</u>	<u>Amount</u>
00007580	COLLECTION AGENCY PLACEMENT	4/22/2017	-75,821.15
00000109	INSURANCE PMT	12/8/2016	-77,870.08
00018090	TRANSFER TO AGENCY PLACEMENT	4/22/2017	75,821.15
Total Payment and Adjustment:			<u>-77,870.08</u>

Summary for Visit: 6166

Total UnBilled:	0.00
Total Charges:	153,691.23
Total Patient Payments:	0.00
Total Insurance Payments:	-77,870.08
Total Patient Adjustments:	0.00
Total Insurance Adjustments:	0.00
Total Patient Refunds:	0.00
Total Discounts:	0.00
Total Age Amount:	0.00
Total Account Balance:	0.00

EXHIBIT C

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF OLMSTED

THIRD JUDICIAL DISTRICT

Mayo Clinic,

Plaintiff,

v.

Court File No.:

Case Type: Contract

Judge:

SUMMONS

Chantelle Zack

602 East Jefferson Street
New Hampton IA, 50659,

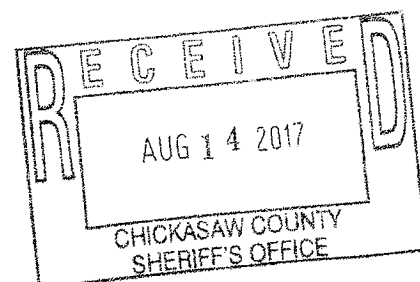
Defendant.

THIS SUMMONS IS DIRECTED TO THE ABOVE-NAMED DEFENDANT.

1. **YOU ARE BEING SUED.** The Plaintiff has started a lawsuit against you. The Plaintiff's Complaint against you is attached to this Summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to the lawsuit even though it may not yet be filed with the Court and there may be no Court file number on this Summons.

2. **YOU MUST REPLY WITHIN 20 DAYS TO PROTECT YOUR RIGHTS.** You must give or mail to the person who signed this Summons a **written response** called an Answer within 20 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this Summons located at 920 Second Avenue South, Suite 800, Minneapolis, MN 55402.

3. **YOU MUST RESPOND TO EACH CLAIM.** The Answer is your written response to the Plaintiff's Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given everything asked for in the Complaint, you must say so in your Answer.



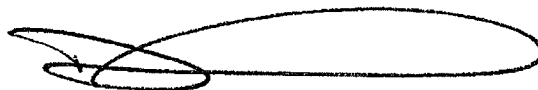
4. YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS. If you do not answer within 20 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the Complaint. If you do not want to contest the claims stated in the Complaint, you do not need to respond. A default judgment can then be entered against you for the relief demanded in the Complaint.

5. LEGAL ASSISTANCE. You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. **Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.**

6. ALTERNATIVE DISPUTE RESOLUTION. The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

Dated: July 27, 2017

D.S. Erickson & Associates, PLLC



D. Scott Erickson (#0282212) ✓

Timothy J. Henkel (#0389403)

Gregory E. Hanson (#0395404)

Attorneys for Plaintiff

920 Second Avenue South, Suite 800

Minneapolis, MN 55402

(612) 333-7600

Return of Service

IN THE MINNESOTA DISTRICT COURT IN AND FOR 19-CHICKASAW COUNTY

MAYO CLINIC
VS
CHANTELLE ZACK

Case Number: 01616585
Civil Number: 17-000443
Date Received: 08/17/2017 @ 09:48
Date Printed: 09/06/2017 @ 12:34

STATE OF IOWA
CHICKASAW COUNTY }

I hereby certify that I served a copy of:
SUMMONS

To: ZACK,CHANTELLE at 602 E JEFFERSON ST, NEW HAMPTON, IA 50659
on 08/18/2017 @ 10:40 Type of Service: PERSONAL


Remarks:

Case Notes:

Fees:

Service Fees:	30.00
Mileage:	3.00
Copies:	0.00
Total:	33.00

MARTIN HEMANN, SHERIFF
CHICKASAW COUNTY

By: 
BARB HEMESATH

Paid By: DS ERICKSON
Date: 08/18/2017
Check #: 33307
Paid By: DS ERICKSON
Date: 08/24/2017
Check #: 33443

EXHIBIT D

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF OLMSTED

THIRD JUDICIAL DISTRICT

File No.

MAYO CLINIC,

Plaintiff,

NOTICE RE: NOTICE OF REMOVAL

v.

CHANTELLE ZACK,

Defendant.

KINDLY TAKE NOTICE that on September 7, 2017, Defendant CHANTELLE ZACK by and through her attorney(s) of record, Brandon D. Wright, Esq. of LEWIS BRISBOIS BISGAARD & SMITH LLP, filed a Notice of Removal with the Clerk of the United States District Court for the United States District Court for the District of Minnesota. See, Exhibit 1.

No further proceedings may be had in this Honorable Court unless the United States District Court for the United States District Court for the District of Minnesota remands the litigation.

DATED this 7 day of September, 2017

Respectfully Submitted,

LEWIS BRISBOIS BISGAARD & SMITH LLP


By: 

BRANDON D. WRIGHT
Minnesota State Bar No. 0394898
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
Attorney for Defendant
CHANTELLE ZACK

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of September 2017, I did cause a true and correct copy of NOTICE RE: NOTICE OF REMOVAL to be served via electronic service and 1st class mail to the parties on the Electronic Filing System:

D. Scott Erickson
Kellie L. J. Anderson
Gregory E. Hanson
920 2nd Ave. South, Suite 800
Minneapolis, MN 55402
PH 612-333-7600
FX 612-333-7611
Attorneys for Plaintiff


Ariana J. Dunbar